

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:01CR163
)	
Plaintiff,)	
vs.)	ORDER
)	
ROBERT E. WATKINS,)	
)	
Defendant.)	

Defendant has filed a notice of appeal (filing 251) from this court's order (filing 250) denying his motion (filing 249) for release of Brady materials, for evidentiary hearing, and to submit newly discovered evidence. The motion also complains about the trial strategy of his counsel.

Pursuant to F.R.A.P. 24(a), and construing the papers liberally, I conclude that Defendant's appeal is not taken in good faith. To the extent Defendant's motion alleges ineffectiveness of his trial counsel, the motion was not styled as a 28 U.S.C. § 2255 motion, and even if it had been so characterized, it would probably have been untimely. Accordingly,

IT IS ORDERED:

1. Defendant's appeal is not taken in good faith;
2. Defendant is not entitled to proceed in forma pauperis on appeal.

December 5, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge